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PART II

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

OPERATIONS REVIEW PROGRAM NOTICE NO. 8

Certification and Operations: Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft Certification and Operations of Scheduled Air Carriers With Helicopters

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 121 and 127]

[Docket No. 17897; Notice No. 78-7]

OPERATIONS REVIEW PROGRAM NOTICE NO. 8

Certification and Operations: Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft Certification and Operations of Scheduled Air Carriers With Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the requirements applicable to airmen and crewmembers, training programs, flight operations, dispatching and flight release, records and reports of air carriers and commercial operators of large aircraft, and scheduled air carriers with helicopters. These proposed amendments are part of the Operations Review Program that provided a comprehensive review of the Federal Aviation Regulations (FAR), taking into account the significant changes in the environment in which airmen, air agencies and aircraft operators function by updating the FAR which apply to them.

DATE: Comments must be received on or before August 11, 1978.

ADDRESS: Send comments on the proposals in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-24), Docket No. 17897, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Donald A. Schroeder, Safety Regulations Division, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-755-8715.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impact that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before August 11, 1978, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

For convenience, each proposal in this notice is numbered separately. The FAA requests that interested persons, when submitting comments, refer to proposals by these numbers and by the sections to which they relate.

AVAILABILITY OF THIS NOTICE

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should request a copy of Advisory Circular No. 11-2 which describes the application procedures.

BACKGROUND

The aviation industry in the United States and abroad has grown substantially during the last ten years. Paralleling its rapid growth and numerous technological advances are significant changes in the operating environment in which airmen, air agencies, and aircraft operators function.

To enable the FAA to become more responsive to the needs of the general public and the aviation community in fulfilling the agency's aviation safety responsibilities, the FAA issued Notice No. 75-9 (40 FR 8585; February 28, 1975), inviting all interested persons to submit proposals for consideration during the Operations Review Program.

In response to that invitation, the FAA received more than 5,000 individual comments contained in 123 submissions. Based on those comments and on the Compilation of Proposals, the FAA prepared a number of working documents for the Operations Review Conference held in Arlington, Va. on December 1-5, 1975. The FAA distributed those documents to each person who participated in the Operations Review Program and to all other interested persons who requested them.

The Operations Review Conference was attended by more than 600 persons. Various committees discussed all scheduled agenda items during the conference. Summaries were given by the FAA Committee Chairmen at the close of the discussions on each agenda item. Persons present were given the opportunity to correct those oral summaries. Those summaries were edited and combined with an attendee list for the conference and with transcripts of certain plenary session speeches and were distributed to all attendees and to all persons requesting them in accordance with a Notice of Availability (Notice No. 75-9A; 41 FR 9413; March 4, 1976).

THE PROPOSALS

The notice deals with selected proposals concerning Parts 121 and 127 contained in the following Operations Review Committee Workbooks:

Committee No.:	*Title*
3	Aircraft Operating Rules.
4	Airman Certification.
6	Certificated Operators and Agencies.
7	Flight Attendants.
9	Training.

A number of the proposals contained in both the Compilation and the working documents are not included in this notice. The Proposals listed in Appendices I and II fall into two categories as follows:

APPENDIX I—MISCELLANEOUS PROPOSALS WITHDRAWN BY PROPONENT

APPENDIX II—MISCELLANEOUS PROPOSALS REMOVED FROM CONSIDERATION FROM THE OPERATIONS REVIEW PROGRAM

DRAFTING INFORMATION

The principal authors of this document are W. J. Biron, Flight Standards Service, and R. B. Elwell, Office of the Chief Counsel.

THE PROPOSED AMENDMENTS

Accordingly, the Federal Aviation Administration proposes to amend Parts 121 and 127 of the Federal Aviation Regulations (14 CFR Parts 121 and 127) as follows:

§ 121.177 [Amended]

8-1. By amending § 121.177(b) by deleting the word "any" in the first sentence and inserting in its place the words "the effective."

Explanation. This proposal would replace the word "any" with the words "the effective", using the phrase defined in AC 150/5325-3 which provides a greater margin of safety in computing takeoff limitations. This proposal would also make this paragraph consistent with § 121.189(e) which uses the term "effective runway gradient."

Ref. Proposal No. 392, § 121.177, Committee 3, Item C-2.

8-2. By revising § 121.311(b) to read as follows:

121.311 Seat and safety belts.

* * * * *

(b) During flight time each passenger shall occupy an approved seat or berth with a separate safety belt secured about that passenger. During en route flight, passengers may leave their seats or berths for physiological needs or when authorized by a crewmember. A person who is less than two years old may be held by an adult.

* * * * *

Explanation. This proposal and Item Nos. 8-3, 8-11, 8-23, 8-24 and 8-25 would require Parts 121 and 127 certificate holders to install "Fasten Seat Belt While Seated" signs on each forward bulkhead and seat back in each of its passenger-carrying aircraft. The proposed amendments also would require passengers to keep their safety belts fastened at all times when seated and would allow them to be absent from their seats only when necessary in connection with their physiological needs or when specifically authorized for other reasons by a crewmember. This proposal also would apply to air travel clubs certificated under Part 123 and to air taxi operators certificated under Part 135, when conducting operations with large airplanes.

During the en route portion of flight, passengers are not required by current regulations to keep their safety belts fastened while seated. However, on airplanes operated under Parts 121 and 123, and on large airplanes operated by Part 135 certificate holders under the applicable rules of Part 121, an announcement must be made after each takeoff informing passengers that they should keep their safety belts fastened when seated, even when the seat belt sign is off. This requirement does not apply to Part 127 operations. This proposal would require that the passenger briefing announcements state that passengers are required to keep their safety belts fastened while seated.

A petition from the Air Line Pilots Association (ALPA) states that many of the injuries on aircraft that have been attributed to clear air turbulence and flight control malfunctions could have been prevented. In this connection, petitioner states, in essence, that during flights of two hours or more passengers typically leave their seats many times, and that some of them forget to refasten their safety belts upon returning to their seats. As a result, when turbulence or flight control malfunctions have occurred, some of those passengers have been thrown from their seats and have sustained injuries. Therefore, petitioner concludes that most of the turbulence and flight control malfunction related injuries that have occurred in recent years could have been avoided if the persons who sustained injury had refastened their safety belts upon returning to their seats.

Accordingly, these proposed amendments would allow passengers to leave their seats during the en route portion of flight only for the purpose of meeting their physiological needs and would require that passengers be properly secured by a safety belt when seated.

The FAA believes that appropriate seat belt signs, if installed on forward bulkheads and seat backs, would help achieve compliance with a requirement to fasten safety belts during the en route portion of flight.

Ref. Proposal Nos. 439, 450, 451, 588, 589, 686, 688 and 693, and ALPA petition of April 8, 1974, Docket No. 13670; §§ 121.311, 121.571, 127, 109, 127.115, 127.226; Committee 1 and 7; Agenda Items C3 and D.

8-3. By revising § 121.317 by redesignating paragraph (b) as (c), and adding a new paragraph (b) to read as follows:

§ 121.317 Passenger information.

* * * * *

(b) After ————, no person may operate a passenger-carrying airplane under this part unless there is affixed to each forward bulkhead, and each passenger seatback, a sign that reads "Fasten Seat Belt While Seated." These signs or placards need not meet the requirements of paragraph (a) of this section.

* * * * *

Explanation. This proposal would require operators to place "Fasten Seat Belts While Seated" signs on forward bulkheads and on each passenger seatback. The signs or placards required by this proposed revision need not meet the requirements of § 121.317(a) but must be visible to the passengers. See item 8-2 for further explanation.

Ref. Proposal No. 451; § 121.317; Committee I; Agenda Item C3.

8-4. By revising § 121.391(d) by adding a sentence to the end to read as follows:

§ 121.391 Flight attendants.

* * * * *

(d) * * * During taxi, required by this section, flight attendant must remain at that attendant's duty location with safety belts and shoulder harnesses fastened except to perform duties related to the safety of the airplane and its occupants.

Explanation. This proposal would require flight attendants to remain at their duty locations with safety belts and shoulder harnesses fastened while the airplane is taxiing, except to perform duties related to the safety of the airplane and its occupants. Several malfunctions, such as brake fires, have occurred during taxi that required emergency evacuations of the airplane. In several instances these malfunctions occurred while flight attendants were away from their duty locations and unable to return (because of passengers blocking the aisles) to assist in proper evacuation of the aircraft.

Ref. Proposal Nos. 494 and 566; § 121.391(d)(1); Committee 7; Agenda Item C.

§ 121.434 [Amended]

8-5. By amending § 121.434 as follows:

1. By amending paragraph (f) by inserting the words "for flight crewmembers" after the word "experience";

2. By amending the flush paragraph at the end of paragraph (f) by inserting the words "(e) and" after the word "paragraph"; and

3. By amending paragraph (e) by adding a sentence at the end to read as follows:

§ 121.434 Operating experience.

* * * * *

(e) * * * Satisfactorily completed training time acquired in an approved training program conducted in a full-scale (except for length) cabin simulator of the type airplane in which they are to serve may be substituted for 50 percent of the hours required by this paragraph.

* * * * *

Explanation. This proposal allows certificate holders to substitute flight attendant training time in a cabin simulator for up to 50 percent of the operating experience requirement.

Since June 1973, the FAA has issued exemptions to the current rule allowing flight attendants to substitute satisfactorily completed training time received in cabin simulators to meet part of the operating experience required by this section. Satisfactory results have been achieved without an adverse effect on safety.

The FAA believes that the use of realistic cabin simulators provides a level of training equal to in-flight training in the aircraft, thus making the full five hours of in-flight operating experience for the flight attendants unnecessary.

Additionally, this proposal adds the words "for flight crewmember" after the word "experience" in paragraph (f) to clarify the fact that this method of reduction does not include flight attendants.

Ref. Proposal No. 538; § 121.434(f); Committee 9; Agenda Item B-8.

8-6. By revising § 121.441(a) to read as follows:

§ 121.441 Proficiency checks.

(a) No certificate holder may use any person, nor may any person serve, as a required pilot flight crewmember unless that person has satisfactorily completed either a proficiency check or an approved simulator course of training under § 121.409 for the airplane type in which that pilot is to serve, as follows:

* * * * *

Explanation. This proposal clarifies the fact that proficiency checks required by this section must be administered in the airplane type in which the person is to serve. Pilots serving in more than one type of aircraft would require a flight check or an approved simulator course of training in each type of aircraft.

Ref. Proposal No. 544; § 121.441(a); Committee 4; Agenda Item E.

8-7. By revising § 121.443 to read as follows:

§ 121.443 Pilot in command qualification: route and airports.

(a) Each certificate holder shall provide a system acceptable to the Administrator for disseminating the information required by paragraph (b) of this section to the pilot in command and appropriate flight operation personnel. The system must also provide an acceptable means for showing compliance with § 121.445.

(b) No certificate holder may use any person, nor may any person serve, as pilot in command unless the certificate holder has provided that person current information concerning the following subjects pertinent to the areas over which that person is to serve, and to each airport and terminal area into which that person is to operate, and ensures that that person has adequate knowledge of, and the ability to use, the information:

(1) Weather characteristics appropriate to the season.

(2) Navigation facilities.

(3) Communication procedures, including airport visual aids.

(4) Kinds of terrain and obstructions.

(5) Minimum safe flight levels.

(6) En route and terminal area arrival and departure procedures, holding procedures and all instrument approach procedures for the airports involved.

(7) Congested areas and physical layout of each airport in the terminal area in which the pilot will operate.

(8) Notices to Airmen.

Explanation. This proposal and Item Nos. 8-8 and 8-9 would eliminate the present route qualification and requalification provisions and proposes a regulation that makes the certificate holder responsible for ensuring that the pilot in command has current knowledge concerning certain information regarding each operation, and is qualified to use it as required of a pilot in command. These proposals would: (1) delete the requirement that the domestic and flag air carrier pilot in command make a qualifying entry into each airport into which that pilot scheduled to fly; (2) require a qualifying initial entry and subsequent entries only at "special" airports; and (3) provide that the pilot in command for supplemental air carriers and commercial operators be required to meet these requirements.

Airline pilots have for years demonstrated their ability to operate charter and other special flights over routes they have not previously flown and into airports where they have not previously landed. These operations have been conducted with an excellent safety record.

Since the regulations were first published, radio navigation has become more sophisticated and a wide-spread network of en route and terminal approach navigation aids, particularly VOR and ILS, have been developed. The air traffic control system has been improved and terminal and en route radar now provide flexible or direct routing.

With these improvements, the FAA no longer believes it necessary that the domestic and flag air carrier pilot in command make a qualifying entry into each airport into which that pilot is scheduled to fly. Instead, that pilot should be required to make a qualifying entry (including a takeoff and landing), or qualify by using pictorial means acceptable to the Administrator only at those airports that are unique because of terrain, obstacles, or complex approach or departure procedures.

The FAA believes that to provide a standard level of safety for all certificate holders operating into special areas and airports, the pilot in command for supplemental air carriers and commercial operators should be required to meet these same training requirements. These proposals would combine the requirements of current §§ 121.443, 121.445, and 121.447 into § 121.443. Section 121.445 has been completely revised to require airport qualification for special areas and airports. The proposal would also delete and reserve § 121.447.

Ref. Proposal Nos. 549 and 549A, §§ 121.443, 121.445, and 121.447; Committee 4; Agenda Item E.

8-8. By revising § 121.445 to read as follows:

§ 121.445 Pilot in command airport qualification: special areas and airports.

(a) The Administrator may determine that certain airports (due to items such as surrounding terrain, obstructions, or complex approach or departure procedures) are special airports requiring special airport qualifications and that certain areas between terminals require a special type of cockpit navigation qualification.

(b) Except as provided in paragraph (c) of this section, no certificate holder may use any person, nor may any person serve, as pilot in command to or from an airport determined to require special airport qualifications unless, within the preceding 12 calendar months:

(1) The pilot in command or second in command has made an entry to that airport (including a takeoff and landing) while serving as a pilot flight crewmember; or

(2) The pilot in command has qualified by using pictorial means acceptable to the Administrator for that airport.

(c) Paragraph (b) of this section does not apply when an entry to that airport (including a takeoff or a landing) is being made if the ceiling at that airport is at least 1,000 feet above the lowest MEA, MOCA, or altitude prescribed for the instrument approach procedure for that airport, and the visibility at that airport is at least three miles.

(d) No certificate holder may use any person, nor may any person serve, as pilot in command between terminals over an area determined to require a special type of cockpit navigation qualification unless, within the preceding 12 calendar months that person has, with respect to that area, demonstrated qualification, in a manner acceptable to the Administrator, by one of the following methods:

(1) By flying over the area as pilot in command using the special type of cockpit navigation.

(2) By flying over the area as pilot in command under the supervision of a check airman using the special type of cockpit navigation.

(3) By completing the training program requirements of Appendix G to Part 121.

Explanation. This proposal would require pilots to make a qualifying entry (including a takeoff and landing), or qualify by using pictorial means acceptable to the Administrator for those airports that are unique because of terrain, obstacles, or complex approach or departure procedures. Additionally, this proposal would require a special type of cockpit navigation qualification for certain areas between terminals. See Item No. 8-7 for further explanation.

Ref. Proposal No. 549A, § 121.445; Committee 4; Agenda Item E.

§ 121.447 [Reserved]

8-9. By deleting § 121.447 and marking it [Reserved]

Explanation. See Item No. 8-7 for further explanation.

Ref. Proposal No. 549, § 121.447; Committee 4; Agenda Item E.

8-10. By revising § 121.563 to read as follows:

§ 121.563 Reporting mechanical irregularities.

The pilot in command shall ensure that all mechanical irregularities occurring during flight are entered in the maintenance log of the airplane at the next place of landing.

Explanation. This proposal would revise § 121.563 by establishing a specific time-period for entering in the maintenance log mechanical irregularities that occurred during flight, and would delete the requirement to ascertain the status of the airplane before each flight, since this is provided for in other sections of this Part.

Current § 121.563 has been interpreted by the National Transportation Safety Board as requiring the pilot in command to enter a mechanical irregularity in the maintenance log at the end of a flight which could involve several intermediate stops. However, the FAA believes that the mechanical irregularity should be entered in the maintenance log at the end of each flight leg, i.e., from takeoff to the next place of landing. The FAA believes that such an entry is timely and alerts maintenance personnel at en route stops that maintenance may be necessary.

Ref. Proposal No. 578, § 121.563; Committee 3; Agenda Item L.

§ 121.571 [Amended]

8-11. By amending § 121.571(a)(2) by deleting the word "should" and substituting the word "must."

Explanation. This proposal would require that the passenger briefing announcements state that passengers are required to keep their safety belts fastened while seated. See Item 8-2 for further explanation.

Ref. Proposal Nos. 588 and 589; § 121.571; Committee 7; Agenda Item D.

8-12. By amending § 121.574(a)(4) by inserting the words ", to be kept in that person's possession and" between the words "statement" and "signed;" and by revising § 121.574(b) to read as follows:

§ 121.574 Oxygen for medical use by passengers.

* * * * *

(b) No person may and no certificate holder may allow any person to smoke in the same row, the row forward of, aft of, or across from a person using oxygen under paragraph (a) of this section.

* * * * *

Explanation. This proposal would amend § 121.574(a)(4) by requiring passengers needing medical oxygen to retain in their possession a written statement signed by a physician. Problems arise when a passenger needing medical oxygen checks in for a flight and the airline retains the signed statement. Subsequently, on another leg of the same flight or return flight, the passenger needs this statement and it is not available placing a burden on the passenger to provide another statement. The FAA believes that requiring the passenger to retain the required written statement would prevent this.

Current § 121.574(b) prohibits smoking within 10 feet of a person using oxygen equipment. The FAA believes that this is overly restrictive and proposes to amend this section to not allow persons to smoke in the same row, the row forward of, aft of, or across from a person using oxygen. The FAA believes that this proposal would not adversely affect safety.

Ref. Proposal No. 594, § 121.574; Committee 10; Agenda Item F.

8-13. By revising § 121.579(b) to read as follows:

§ 121.579 Minimum altitudes for use of autopilot.

* * * * *

(b) Approaches.

(1) When using an instrument approach facility, no person may use an autopilot, without an approach coupler, at an altitude above the terrain that is less than twice the maximum altitude loss specified in the Airplane Flight Manual for a malfunction of the autopilot under approach conditions, or less than 50 feet below the approved minimum descent altitude or decision height for that facility, whichever is higher.

(2) For ILS approaches, no person may use an autopilot with an approach coupler at an altitude above the terrain that is less than the maximum altitude loss specified in the Airplane Flight Manual for the malfunction of the autopilot with approach coupler, or 50 feet, whichever is higher.

* * * * *

Explanation. This proposal deletes the references to IFR and VFR weather conditions establishing one autopilot approach minimum for autopilots with an approach coupler, and adds the phrase "without an approach coupler," to the first paragraph for clarifying purposes. The current rule allows descent to as low as 50 feet under VFR conditions, and 50 feet higher that the maximum altitude loss specified in the Airplane Flight Manual for the malfunction of the autopilot with approach coupler under IFR conditions. The FAA believes that this distinction is no longer necessary, and this proposal allows ILS approaches made with an autopilot with an approach coupler to a minimum altitude as low as 50 feet in both VFR or IFR weather conditions.

During any IFR approach (except Category IIIa zero visibility landings), a pilot will have adequate visual references at 50 feet, unless a missed approach has been initiated at the decision height. Thus, if an autopilot or approach coupler malfunction occurred at 50 feet the distinction between IFR and VFR is irrelevant. Based upon the comments received on this proposal the agency may decide to revise proposed § 135.81(b) to be compatible with the proposed revision to § 121.579(b). Comments are requested concerning the proposed revision to § 135.81(b).

Ref. Proposal No. 601; § 121.579; Committee 3; Agenda Item G.

8-14. By revising § 121.583(a)(4)(iii) to read as follows:

§ 121.583 Carriage of persons without compliance with the passenger-carrying requirements of this part.

(a) * * *

(4) * * *

(iii) The safe handling of hazardous materials whose carriage is governed by regulations prescribed in 49 CFR Part 175.

* * * * *

Explanation. This proposal deletes the reference to Part 103, and adds the reference to regulations of the Materials Transportation Bureau (DOT) prescribed in 49 CFR Part 175. In effect this revision states that a person necessary for the safe handling of hazardous materials may accompany that shipment aboard an aircraft without the certificate holder having to comply with the passenger-carrying aircraft operational requirements.

Ref. Proposal No. 906; § 121.583(a)(4)(iii); Committee B; Agenda Item H.

8-15. By revising § 121.589 to read as follows:

§ 121.589 Carry-on baggage.

(a) No certificate holder may allow the boarding of carry-on baggage on an aircraft unless the baggage can be stowed in accordance with this section. No certificate holder may allow an aircraft to take off or land unless each article of baggage carried aboard the aircraft is stowed—

(1) In a suitable closet or baggage/cargo stowage compartment placarded for its maximum weight and providing proper restraint for all baggage or cargo stowed therein. Such stowage must not hinder the possible use of any emergency equipment;

(2) As provided in paragraph (c) of § 121.285; or

(3) Under a passenger seat.

(b) Baggage, other than articles of loose clothing, shall not be placed in an overhead rack unless that rack is equipped with approved restraining devices or doors.

(c) Each passenger shall comply with instructions given by crewmembers regarding compliance with paragraphs (a) and (b) of this section.

(d) Each passenger seat under which baggage is allowed to be stowed shall be fitted with a means to prevent articles of baggage stowed under it from sliding forward or sideways under crash impacts severe enough to induce the ultimate inertia forces specified in § 25.561(b)(3) of this chapter or in the emergency landing condition regulations under which the aircraft was type certificated.

Explanation. This proposal gives the certificate holder specific authority to prevent the boarding of carry-on baggage which cannot be property stowed in a suitable closet or baggage/cargo stowage compartment placarded for its maximum weight. Additionally, baggage must not hinder possible use of emergency equipment located in stowage compartments.

This proposal also prevents placing baggage other than loose clothing in an overhead rack, unless that rack is equipped with approved restraining devices or doors. The FAA believes that objects placed in open racks above passengers' seats should not be of the type which could, if they become dislodged and fall, inflict injury to passengers. Additionally, this proposal provides that baggage be restrained sideways as well as forward under certain impacts or under certain emergency landing conditions.

During hard or crash landings carry-on baggage has become dislodged from stowage areas, inflicting injuries to passengers and hampering the emergency evacuation of the aircraft. The FAA believes that all carry-on baggage should be screened before being allowed aboard the aircraft to prevent loading of baggage which cannot be properly stowed.

Ref. Proposal No. 604; § 121.589, Committee 6A; Agenda Item H.

8-16. By revising § 121.619(a) (1) and (2) to read as follows:

§ 121.619 Alternate airport for destination: IFR or over-the-top: domestic air carriers.

(a) * * *

(1) For at least one hour before and one hour after the estimated time of arrival at the destination airport, the appropriate weather reports or forecasts or any combination of them indicate:

(i) That the ceiling will be at least 1,500 feet above the lowest circling MDA, if a circling approach is required and authorized for that airport; or

(ii) A ceiling of at least 1,500 feet above the lowest published instrument approach minimum or 2,000 feet above the airport elevation, whichever is higher.

(2) The visibility at that airport will be at least three miles, or two miles more than the lowest applicable visibility minimums, whichever is greater, for the instrument approach procedure to be used at the destination airport.

* * * * *

Explanation. This proposal reduces the two-hour weather requirement for alternate airports to one hour. It also changes the 1,000 feet above the MEA or MOCA to 1,500 feet above the MDA, circling approach; or 1,500 feet above the lowest published minimums, or 2,000 feet above the airport elevation, whichever is higher. The visibility minimums would be three miles or two miles more than the lowest minimums for the instrument approach procedure to be used.

The FAA believes that using at least 1,500 feet above the circling MDA, instead of MOCA, MEAs, or other altitudes, would aid the pilot in determining his alternate weather requirements as these minimum are depicted on the approach charts. Revision of the forecast time period from two hours to one hour would reduce unnecessary tankering of fuel on the aircraft.

The present rule has proven burdensome, both operationally and economically, by requiring designation of an alternative airport based solely on a weather forecast.

Ref. Proposal Nos. 186, 609; § 121.619; Committee 3; Agenda Item B, and Committee 6; Agenda Item J.

8-17. By revising § 121.621(a)(1) to read as follows:

§ 121.621 Alternate airport for destination: Flag air carriers.

(a) * * *

(1) The flight is scheduled for not more than six hours and, for at least one hour before and one hour after the estimated time of arrival at the destination airport, the appropriate weather reports or forecasts, or any combination of them, indicate that the ceiling will be:

(i) At least 1,500 feet above the lowest circling MDA, if a circling approach is required and authorized for that airport; or

(ii) At least 1,500 feet above the lowest published instrument approach minimum or 2,000 feet above the airport elevation, whichever is higher; and

(iii) The visibility at that airport will be at least three miles, or two miles more than the lowest applicable visibility minimums, whichever is greater, for the instrument approach procedures to be used at the destination airport.

* * * * *

Explanation. This proposal was not discussed at the Operations Review but is in keeping with changes made to § 121.619 that provided relief to domestic air carriers, related to the same subject matter. See Item 8-16 for further justification.

Ref. Proposal No. 611; § 121.621; Committee 6; Agenda Item J.

§ 121.691 [Reserved]

8-18. By deleting § 121.691 and marking if [reserved].

§ 121.693 [Amended]

8-19. By amending § 121.693 as follows:

1. By deleting from the heading the words, "supplemental air carriers and commercial operators."

2. By inserting the words, "loading of the" between the words, "the" and "airplane" in the introductory phrase of the section.

3. By amending § 121.693(a) by inserting the parenthetical words, "(including mail)" between the words "cargo" and "and".

4. By revising § 121.693(e) to read as follows:

§ 121.693 Load manifest: air carriers and commercial operators.

* * * * *

(e) Names and home addresses of passengers, unless such information is maintained by other means by the air carrier or commercial operator.

Explanation. This proposal and item 8-18 would delete § 121.691 and combine the load manifest requirements of §§ 121.691 in 121.693, making the requirements of § 121.693 applicable to all operators. Section 121.691 load manifest requirements for domestic and flag air carriers were repeated in § 121.693 for supplemental air carriers and commercial operators with some additional requirements which the FAA believes should also be applicable to domestic and flag air carriers. Some domestic air carriers no longer issue tickets to passengers before departure in shuttle operations, leaving the operator without a passenger list in case of an accident. The FAA believes this situation would be corrected by making the load manifest applicable to all air carriers and commercial operators.

Ref. Proposal Nos. 35 and 636; §§ 121.691 and 121.693; Committee 6A; Agenda Item J.

Part 121 Appendix E [Amended]

8-20. By amending appendix E of part 121 as follows:

1. Item I(a) by adding the following sentence at the end:

* * *If a flight engineer is a required crewmember for the particular type airplane, the visual inspection may be replaced by using an approved pictorial means that realistically portrays the location and detail of preflight inspection items.

2. Item III(g)(3) by:

a. Deleting the symbols "B," "AT," and "BU" from the "Inflight" column under the captions "Initial," "Transition," and "Upgrade Training";

b. Adding the "B" symbol in the "Non-Visual Simulator" column under the caption "Initial Training";

c. Adding the "AT" symbol in the "Non-Visual Simulator" column under the caption "Transition Training"; and

d. Adding the "BU" symbol in the "Non-Visual Simulator" column under the caption "Upgrade Training."

3. Item III(h) by deleting the "P" symbol in the "Inflight" column, and by adding the "P" symbol in the "Non-Visual Simulator" column under the caption "Initial Training."

4. Items III(i) and (j) by:

a. Deleting the "B" symbols in the "Inflight" column under the caption "Initial Training";

b. Adding the "B" symbols in the "Non-Visual Simulator" column under the caption "Initial Training";

c. Deleting the "SF" symbol in the "Inflight" column, and deleting "PS" in the "Non-Visual Simulator" column under the caption "Upgrade Training"; and

d. Adding the "BU" symbol in the "Non-Visual Simulator" column under the caption "Upgrade Training."

5. Items III(l) (1) and (2) by deleting the "B" symbols in the "Inflight" column and by adding the "B" symbols in the "Visual Simulator" column under the caption "Initial Training."

6. Item III(l)(1) by:

a. Deleting the "AT" symbol in the "Inflight" column and by adding the "AT" symbol in the "Visual Simulator" column under the caption "Transition Training"; and

b. Deleting the "BU" symbol in the "Inflight" column and by adding the "BU" symbol in the "Visual Simulator" column under the caption "Upgrade Training."

7. Items III(p) (1) and (4) by deleting the "B" symbols in the "Inflight" column and adding the "B" symbols in the "Visual Simulator" column under the caption "Initial Training."

Explanation. This proposal would allow the use of pictorial means to complete the visual inspection requirements of the training program. Visual inspection training is difficult to schedule and conduct, due to lack of airplanes available for complete exterior inspection. The FAA believes that, on aircraft requiring a flight engineer, the pilot's preflight visual inspection may be conducted effectively through approved pictorial means. This proposal would allow power plant failure training to be conducted in a non-visual simulator. Power plant failure is a procedural drill that can efficiently be taught in a non-visual simulator. The effects of symmetrical thrust will be covered elsewhere in the flight training program. No compromise in safety will result, since the efficiency of simulator training is a well-established fact.

This proposal would allow the use of visual simulators to accomplish engine-out and normal ILS approaches and missed approach procedures, and would allow the use of non-visual simulators for steep turns, approaches to stalls, and recovery from specific flight characteristics. The FAA believes that visual simulator capabilities are fully adequate for training and checking on all ILS approaches. Training in normal and abnormal maneuvers conducted in a simulator is safer than in the airplane, and past experience has proven that transfer of learning from the simulator training program to the aircraft has been very good.

Ref. Proposal Nos. 652, 653, 654, 659, and 660; part 121; appendix E; Committee E; Agenda Item C-1.

§ 121 Appendix F [Amended]

8-21. By amending appendix F of part 121 as follows:

1. Item I(a) by inserting the following sentence between the second and third sentences:

* * * The equipment examination is not required if the pilot has satisfactorily completed, within the preceding sixty days a Part 121 approved training program in a cockpit, procedural trainer or airplane simulator for that type aircraft. * * *

* * * * *

2. Item III(c)(2) by deleting the "B" symbol in the "Inflight" column and by adding the "B" symbol in the "Visual Simulator" column.

3. Item III(e) by amending the last flush paragraph by deleting the sentence "At least one missed approach must be performed in flight."

Explanation. This proposal would eliminate the requirement for an equipment examination if the pilot satisfactorily completed a part 121 training program within the last sixty days for that type aircraft.

The FAA approves all airline training courses, and FAA inspectors routinely spot check the quality of the instruction and testing being administered by the air carriers. This should assure that the FAA has control over the quality of the instruction and the adequacy of performance. In addition, FAA inspectors who are assigned to air carriers employing training programs that include training in cockpit procedural trainers or simulators would still have ample opportunity to observe the performance of these pilots and test their knowledge, since these pilots are subject to further examination during the inflight portion of the practical test and during initial operating experience on the line.

This proposal would allow ILS approaches with simulated powerplant failure and missed approaches to be conducted in a visual simulator. See Item 8-20 for further explanation and justification.

Ref. Proposal Nos. 659, 660, 662, 663, and 665; Part 121, Appendix F; Committee 9; Agenda Item C-1.

8-22. By revising Appendix G to Part 121 by revising the heading, and sections 1(a), 2, 3, 4, 5, and 6 to read as follows:

APPENDIX G—DOPPLER RADAR, INERTIAL NAVIGATION SYSTEM (INS), OR OTHER SPECIALIZED NAVIGATION EQUIPMENT; REQUEST FOR EVALUATION; EQUIPMENT AND INSTALLATION; TRAINING PROGRAM; EQUIPMENT ACCURACY AND RELIABILITY; EVALUATION PROGRAM

1. *Application authority.* (a) An applicant for authority to use a Doppler Radar, Inertial Navigation System or other Specialized Navigation Equipment must submit a request for evaluation of the system to the Flight Standards District Office charged with the overall inspection of its operations 30 days before the start of the evaluation flights.

* * * * *

2. *Equipment and equipment installation—pilot operated long range navigation systems.* (a) All pilot operated specialized navigation equipment systems must be installed in accordance with applicable airworthiness requirements.

(b) Installation must consist of at least dual long range navigation systems (including navigational computers). This may consist of two like systems (i.e., two INS) or two unlike systems (i.e., one INS and one Doppler). However, when an intermix of systems is used, this intermix must be approved by the Administrator. At least two systems must be operational at takeoff.

(c) Cockpit arrangement must be visible and usable by either while pilot seated at that pilot's duty station.

(d) The equipment must provide, by visual, mechanical, or electrical output signals, indications of the invalidity of output data upon the occurrence of probable failures or malfunction within the system.

(e) A probable failure or malfunction within the system may not result in loss of the required navigation capability of the aircraft.

(f) The alignment, updating, and navigation computer functions of the system may not be invalidated by normal airplane power interruption and transients.

(g) The system may not be the source or cause of objectionable radio frequency interference and must not be adversely affected by radio frequency interference from other airplane systems.

(h) The FAA approved flight manual, or the applicant's operations manual required by § 121.133, must include pertinent materi-

al as required to define normal, abnormal, and emergency operating procedures and applicable operating limitations associated with the navigation system.

(i) In addition to meeting the requirements of paragraphs (a) through (b) of this section, each automated system must automatically provide the following:

(1) Indications needed to gain and maintain a desired track to the next waypoint and destination, and to determine deviations from the desired track.

(2) Indications showing distance or a means of determining time to go to the next waypoint or destination.

(3) The present position of the aircraft in suitable coordinates, or a means of determining these coordinates.

3. *Equipment and equipment installation*—Inertial Navigation Systems (INS). When INS are used in operations under this part, in addition to meeting the requirements of paragraphs (a) through (i) of section 2, each system must also provide the following:

(a) Valid ground alignment capability at all latitudes appropriate for the proposed operation.

(b) A display of alignment status or a ready-to-navigate light showing completed alignment to the flight crew.

(c) For installations that do not have memory or other inflight alignment means, a separate electrical power source (independent of the main power system) which can supply, for at least five minutes, enough power (as shown by analysis or as demonstrated in the airplane) to maintain the INS in such condition that its full capability is restored upon the reactivation of the normal electrical supply.

4. *Equipment and equipment installation—Doppler Radar Systems.* In addition to meeting the requirements of paragraphs (a) through (h) of section 2, if an applicant elects to use Doppler Radar in operations under this part, each installation must also provide the following:

(a) Dual antenna or a combined antenna designed for multiple operation.

(b) Dual operating transmitters, or a single operating transmitter with a standby capable of operation.

(d) Separate heading source information to each system, except that a single heading source may be used if a compass comparator is installed and inflight operating procedures require frequent cross-checks of all compasses by flight crewmembers.

(d) Compass heading information to the Doppler Radar must be maintained to an accuracy of ±1 degree and total system deviation may not exceed 2 degrees. When free gyro techniques are used, procedures must be used to insure that an equivalent level of heading accuracy and total system deviation is attained.

(e) As determined by the Administrator and specified in the certificate holder's operations specifications, external navigation aids may be required to update the Doppler Radar for proposed operations. These may include, but are not limited to, VOR, DME, Loran, or Omega, ground based radar and satellite transmissions. When these aids are required, the cockpit controls must be accessible to each pilot seated at that pilot's duty station. Their suitability will be determined by the Administrator after considering the accuracy, reliability, associated flight crew workload and the manner in which the systems are affected by atmospheric conditions and propogation anomalies.

5. *Training programs.* The initial training program for long range navigation systems must include the following:

(a) Duties and responsibilities of flight crewmembers, dispatchers, and maintenance personnel.

(b) For pilots, instruction in the following:

(1) Theory and procedures, limitations, detection or malfunctions, preflight and inflight testing and cross-checking methods.

(2) The use of computers, an explanation of all systems, compass limitations at high latitudes, a review of navigation, flight planning and applicable meteorology.

(3) The methods of updating by means of reliable fixes.

(4) The actual plotting of fixes.

(5) Compilation of terminal system errors.

(c) Each pilot assigned as an operational crewmember must satisfactorily complete an initial qualification check (either in actual operation or in an approved simulator) to ensure that pilot's qualification in the system and to enable certification of proficiency as required by § 121.401.

(d) Each pilot must receive recurrent training and a line check within the preceding 12 calendar months.

6. *Equipment accuracy and reliability.* Each long range navigation system must meet the following accuracy requirements, as appropriate:

(a) For a system that is affected by errors which accrue with time, (as with INS), the applicant must show that the system can be operated on a flight of at least 10 hours with a radial error accural rate not exceeding 2 nautical miles per hour for 95 percent of system flights.

(b) For a system other than one covered under paragraph (a) of this section, the applicant must show that the system can be operated with no more than 20 nautical miles cross-track, and 25 miles along track, error for 95 percent of system flights.

(c) Notwithstanding the requirements in paragraphs (a) and (b) of this section, the applicant must show that 95 percent of system flights, including those of 10 hours or more, can be operated to comply with ATC, ADIZ, and other operational requirements.

(d) For systems required for use in airspace in which International Civil Aviation Organization (ICAO) minimum navigation performance specifications apply, accuracy requirements contained in the specifications must be met.

* * * * *

Explanation. This proposed revision rearranges present requirements of Appendix G and adds additional requirements to make it compatible for all long range navigation systems. As it is presently written, reference is made only to Inertial Navigation Systems and Doppler Radar units. Those items in present sections 2 and 3 which apply to all long range navigation systems have been incorporated into a rewrite of section 2. Section 3 (INS and Doppler) has been rewritten to delete items that have now been placed in revised section 2. Section 5 (Training programs) has been revised to include specific requirements for an initial qualification check and recurrent training and check on long range navigation systems.

This proposal would add a new training program requirement for pilots operating long range navigation systems. When heading information is recorded, effective reference and comparison can be made to detect gradual deterioration of a system. Experience has shown that compass comparator systems detect gross errors on the order of five degrees or more. The correct computation of system errors is essential for maintenance analysis to insure operational accuracy. Therefore, training in this procedure is necessary.

Ref. Proposal Nos. 666, 667 and 668; § 121, Appendix G, Committees 1 and 9; Agenda Items C–2 and C–6.

8–23. By revising § 127.109(b) to read as follows:

§ 127.109 Seat and safety belt.

* * * * *

(b) During flight time each passenger shall occupy an approved seat with a separate safety belt secured about that passenger. During en route flight passengers may leave their seats for physiological needs or when authorized by a crewmember. A person who is less than two years old may be held by an adult.

* * * * *

Explanation. This proposal would require passengers to keep their safety belts fastened at all times, except for physiological needs or as authorized by a crewmember. See Item 8–2 for further explanation.

Ref. Proposal No. 688; § 127.109; Committee 3; Agenda C3.

8–24. By redesignating § 121.115 as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 127.115 Passenger information.

(a) * * *

(b) After ————, 1978, no person may operate a passenger-carrying helicopter under this part, unless there is affixed to each forward bulkhead and each passenger seatback a sign or placard that reads: "Fasten Seat Belt While Seated." These signs or placards need not meet the requirements of paragraph (a) of this section.

Explanation. This proposal would require operators to place "Fasten Seat Belts While Seated" signs or placards on forward bulkheads and on each passenger seatback. See Item 8–2 for further explanation.

Ref. Proposal No. 688; § 127.115; Committee I; Agenda Item C3.

8–25. By adding a new § 127.226 to read as follows:

§ 127.226 Briefing passengers after takeoff.

After each takeoff of a helicopter that has separate passenger and crew compartments, immediately before or

immediately after turning the seat belt sign off, an announcement shall be made that passengers must keep their safety belts fastened while seated, even when the seat belt sign is off.

Explanation. This proposal would require that passenger briefing announcements state that passengers must keep their safety belts fastened while seated. See Item 8–2 for further explanation.

Ref. Proposal No. 693; § 127.226; Committee 1; Agenda Item D.

APPENDIX I—MISCELLANEOUS PROPOSALS WITHDRAWN BY PROPONENT

The proposals listed below were withdrawn by their proponents during or after the conference. The withdrawal of FAA proposals does not commit the FAA to any future course of action.

14 CFR (FAR section)	Proposal No.	Committee No.	Agenda item	Proponent
121.433	529	9	B-8	Association of Flight Attendants.
121.434	533	9	B-8	Air Transport Association of America.
121.441	547	4	E	Do.
121.441	548	4	E	Do.
121.533	562	6A	H	Do.
121.574	592	10	F	Association of Flight Attendants.
121.575	596	10	B	Do.
121.645	621	3	I	Air Transport Association of America.
121.703	643	2	P	Air Line Pilots Association.
121.703	644	9	C-1	Air Transport Association of America.
App. E	655	9	C-1	Do.
App. E	657	9	C-1	National Transportation Safety Board.
App. E and F	685	9	C-1	Do.

14 CFR (FAR section):	Proposal No.	Proponent
121.391	491	Federal Aviation Administration.
121.547	569	Do.
121.659	627	Do.
121.661	628	Do.
121.687	632	Do.
121.689	633	Do.

APPENDIX II—MISCELLANEOUS PROPOSALS REMOVED FROM CONSIDERATION FROM THE OPERATIONS REVIEW PROGRAM

Based on the FAA's review of the discussions at the Operations Review Conference, and of the information submitted by interested persons, the following proposals considered at the Operations Review Conference are removed from consideration during the Operations Review for the reasons listed.

Proposal No. 529. This proposal would have amended § 121.433 by requiring training for all crewmembers. The current rule places responsibility on the crewmember and the certificate holder to complete specified training, before serving or being assigned duties as a required crewmember. The FAA believes that insufficient justification was presented to support a rule change.

Proposal No. 533. This proposal would have amended § 121.434 by allowing all second in command flight training to be accomplished in an approved simulator. The FAA does not agree with this proposal due to the inability of the aircraft simulators and visual systems currently in use by the airlines to adequately duplicate the ground handling characteristics and the landing maneuvers of the aircraft.

Proposal No. 547. This proposal would have amended § 121.441 to eliminate the check pilot authority to require demonstration of maneuvers already satisfactorily performed. The FAA believes insufficient justification was presented to support a rule change.

Proposal No. 562. This proposal would have amended §§ 121.533; 121.99; 121.107; 121.395; 121.535; 121.537; 121.539; 121.591; 121.593; 121.595; 121.597; 121.599; 121.601; 121.603; 121.607; 121.609; 121.616; 121.619; 121.621; 121.623; 121.627; 121.629; 121.633; 121.635; 121.637; 121.663; 121.667; 121.683; 121.687; 121.689; 121.695; and 121.697 to allow certificate holders to use a flight following system in place of a dispatch system. The FAA believes that the proponent has not presented sufficient justification to show that the proposal would maintain the level of safety now existing under the current rule.

Proposal No. 592. This proposal would have amended § 121.574 to require a responsible able-bodied attendant to accompany each person using oxygen in flight. This proposal would be discriminatory toward passengers who are fully able to use their oxygen equipment to care for themselves. The FAA believes this proposal would pose an undue burden on passengers who require oxygen in flight.

Proposal No. 596. This proposal would have amended § 121.575 to limit the amount of alcoholic beverages served aboard commercial aircraft. The FAA believes that the proposal is related to passenger service and that insufficient justification was presented to support a rule change.

Proposal No. 621. This proposal would have amended § 121.645 by allowing reduced fuel reserves on specific routes. The FAA believes that the basic intent of this proposal was covered in Notice No. 77-12 (42 F.R. 37417; July 21, 1977), item 5–20, which allows operators to use domestic fuel reserves on selected overseas routes.

Proposal No. 643. This proposal would have amended § 121.703 to add "pitotstatic malfunctions or failure" to the mechanical reliability reports. The FAA believes that insufficient justification was presented to support a rule change.

Proposal No. 644. These proposals would have amended § 121.703 by revising the times that mechanical reliability reports are to be sent to the FAA. The FAA believes that insufficient justification was presented to support a rule change.

Proposal No. 657. This proposal would have amended Appendices E and F of Part 121 to require pilots to demonstrate their ability to recover from abnormal regime of flight by reference to flight instruments. The FAA believes that the current rules covering the flight crew training programs are adequate, and that insufficient justification was presented to support a rule change.

Proposal No. 658. This proposal would have amended Appendices E and F of Part 121 to allow maneuvers that are currently required in the airplane to be accomplished in a visual simulator. This proposal was dropped for the same reasons given in Proposal No. 533.

(Secs. 313, 314, 601 through 610, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, 1421 through 1430); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement Under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on May 5, 1978.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

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